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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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SUMMARY RECORD OF THE 1374th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 7 March 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

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GE.00-40989 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Twelfth, thirteenth and fourteenth periodic reports of France (CERD/C/337/Add.5) (continued)

1. At the invitation of the Chairman, the members of the delegation of France took places at the Committee table.

2. The CHAIRMAN invited the delegation of France to reply to the questions raised by the Committee members at the preceding meeting.

3. Mr. de BAYNAST (France) said that France valued the Committee's consideration of its reports and deemed it essential for reports to be considered on a regular basis. Certain issues, such as the role of political parties, would be covered in written replies, but additional information could be provided immediately on other points. Indeed, he wished to make it clear that all the major French political groups had repeatedly condemned alliances with the far right, on a number of occasions. They had recently taken a stand against Mr. Haider's coalition in Austria.

4. Replying to the questions concerning Europe, he said that the development of European structures would lead to progress in action to combat discrimination and racism. The directives on both employment and discrimination in general could not fail to have a positive impact, as any failure to implement them by the States of the European Union would result in legal proceedings and penalties. However, Community law must be harmonized if better cooperation was to be obtained in combating racial discrimination. That was also true at the global level; for that reason France was participating actively in the work to conclude the draft United Nations Convention against Transnational Organized Crime.

5. Concerning the fundamental issue of training, a European police training school and a network of training schools for judges were to be established, in order to raise the awareness of judges and policemen concerning the need to combat racism and xenophobia. The authorities believed that a common system of criminalization should be established if action to combat crime was to be effective.

6. Referring to remarks about the Schengen Agreement, he said that the area covered by the Agreement was not a "fortress", as some appeared to be saying. It could not be claimed that border controls had increased since the signing of the Agreement. They had in fact decreased, as controls were maintained only at the borders of countries which were not part of the Agreement. Policy regarding the right of asylum and issuance of visas had become a Community matter.

7. Replying to a question by Mr. Aboul-Nasr about punishment of crimes against humanity, he noted that France was committed to cooperating with the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and, especially, was

participating actively in the negotiations on the establishment of an International Criminal Court. It was important for each country to contribute to the establishment of an international system of justice. In that connection, the French authorities were counting on the Committee's support in order to encourage as many States as possible to ratify the Convention on the Establishment of an International Criminal Court.

8. Perhaps the procedure provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination was seldom applied in France because individuals preferred to use the European Court of Human Rights, which occasionally awarded financial compensation. That did not in any way imply a desire on the part of the French authorities to obscure the Committee's role.

9. The criminal procedure reforms which were to take place in France in 2000, with the adoption of "legislation relating to the presumption of innocence", should provide replies to many of the Committee's questions. In that connection, the Committee's influence could be seen in the steps taken by the French authorities in the areas of protection of the rights of foreigners and action to combat discrimination.

10. Mr. LERCHER (France), referring to visas, said that matters concerning foreigners were handled by two ministries, the Ministry of Foreign Affairs and the Ministry of the Interior. It could not be said that the visa requirement for a stay of more than three months reflected racial discrimination, as visas were required for nationals of practically all non-European Union States. Concerning visas for a period of three months or less, France merely applied European legislation, especially the Convention applying the Schengen Agreement, pursuant to which States parties required a visa from the nationals of 133 countries.

11. The advantage of the Schengen Agreement was that obtaining an entry visa for entry into one State party to the Convention gave the bearer free movement throughout all the States covered by the Agreement. In that connection, article 1, paragraph 3, of the Convention clearly stated: "Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.". Similarly, the Committee's general recommendation XIV (forty-second session, 1993), which stated, "In seeking to determine whether an action has an effect contrary to the Convention, it [the Committee] will look to see whether that action has an unjustifiable disparate impact upon a group distinguished by race, colour, descent, or national or ethnic origin.", indicated that France complied with its obligations, as the 133-country list had been drawn up with no consideration for race or colour. National origin, in the meaning of citizenship, rather than ethnic origin, was the determining factor.

12. A country's right to monitor the nationals of other countries was among the sovereign rights of States as recognized by public international law. The list in question had been drawn up on the basis of criteria relating to assessment of the risk of illegal immigration and to maintenance of public order and security, in terms of France's relations with a particular country, and more particularly whether reciprocity agreements existed in certain areas. Those were legitimate objectives as traditionally upheld by the case law of the European Court of Human

Rights. France endeavoured to meet those objectives using proportional means. Proportionality arose at various stages of the visa issuance procedures. For example, although the authorities did check visitors' resources, as part of their assessment of "migratory risk", they would not prevent a traveller with small means from entering French territory if the traveller in question was given accommodation by friends or relatives. Similarly, persons not subject to the visa requirement could be refused entry into the territory if they could not prove that they were in possession of sufficient resources for the duration of their stay. That having been said, persons holding a visa were only refused entry in exceptional cases.

13. Since the adoption of the Act of 11 May 1998, any refusal to issue an entry visa had to state the grounds on which it was based. On the whole, therefore, the visa system established by France pursuant to the Convention applying the Schengen Agreement sought to meet a legitimate objective using proportional means.

14. In reply to questions by Mr. Banton and Mr. Nobel concerning the fines and penalties imposed on carriers who transported refugees to French territory, he explained that French procedure was in keeping with the supporting measures provided for in the Convention applying the Schengen Agreement, under which carriers were liable to penalties if they did not ensure that the aliens they brought into France were in possession of the documents required to enter the territory of the European Union. As that mechanism had been incorporated into the Act governing aliens' sojourn in France, appropriate penalties could be ordered by the Ministry of the Interior, under the supervision of the competent administrative court. However, the carrier was not responsible when the foreign travellers' documents did not contain obvious irregularities and in the case of asylum-seekers whose application was granted. That provision remained applicable in cases where the asylum-seeker was not granted asylum, if the application had not been manifestly unfounded pursuant to the Convention relating to the Status of Refugees. The Act of 11 May 1998 did not question the possibility for transport operators to carry refugees and did not regard them as acting on behalf of the competent French supervisory authorities.

15. Ms. DOUBLET (France), replying to a question by Mr. Yutzis concerning the right of asylum, said that 31,800 applications had been received by the French Office for the Protection of Refugees and Stateless Persons (OFPRA), which had considered 24,000 of them, accepting 4,190 and rejecting 20,127. The low acceptance rate - 20 per cent - was due to the fact that applications related to very different situations, and nationals from countries such as Afghanistan, Sri Lanka, Rwanda and Iran enjoyed an acceptance rate of over 70 per cent, while the rate for nationals from countries heavily represented among asylum-seekers was very low. In particular, the rejection rate for applications based on economic reasons and difficult personal situations, but not on the Convention relating to the Status of Refugees, was very high.

16. The competent authorities considered applications for asylum on an individual basis; they did not refer to a list of "safe" countries and reject or accept applications on the basis of applicants' nationality. For example, the particularly high percentage of rejections of applications from Roma was not the result of a deliberate policy but of the failure of most Roma applications to supply personal details.

17. All applications were considered by OFPRA specialists and all decisions rejecting an application could be appealed before an appeals board, whose decisions had suspensive effect.

18. Concerning the low percentage of asylum-seekers interviewed by OFPRA, to which Mr. Nobel had referred, she noted that the Office's efforts to increase that percentage were adversely affected by the considerable increase in the number of asylum applications, which had risen from 17,400 in 1996 to 30,908 in 1999, considerably overburdening services. However, OFPRA heard every asylum-seeker whose application it found justified, and all refugees could be heard by merely lodging a request with the Asylum Board. The Government was aware of the difficulties the situation entailed, and was studying budgetary measures to shorten the time limit for processing asylum applications.

19. Concerning territorial asylum, she said that under the Act of 11 May 1998 OFPRA offered protection to persons meeting the conditions set forth not only in the Geneva Convention but also in the preamble to the French Constitution providing for the right of asylum for freedom fighters. Although that provision had a limited number of beneficiaries, it did enable France to grant asylum to persons not meeting the conditions set forth in the Convention relating to the Status of Refugees. Whatever the legal basis for granting refugee status, all beneficiaries received certification of refugee status and the corresponding residence permit and were entitled to allowances from OFPRA.

20. Mr. Fall had noted that accommodation for asylum-seekers in France was inadequate. That was true, as only 3,600 beds were provided for 30,000 applicants. However, the system included multiple possibilities; the persons concerned could receive a monthly allowance of FF 1,800 or be given accommodation in a reception centre. The Government was planning to increase the capacity of the accommodation centres and the authorities gave particular consideration to humanitarian situations, ensuring that women and children were given priority treatment.

21. Regarding termination of refugee status, former refugees retained the right to reside in France. The Act of 11 May 1998 stipulated that territorial asylum could be awarded to an alien who was able to prove that his life or freedom was threatened in his country or that he would be exposed to treatment contrary to article 3 of the European Convention on Human Rights. The law did not establish an obligation to grant asylum, but merely a possibility; however, it should be read in conjunction with the Order of 2 November 1945, which prohibited the refoulement of an asylum-seeker to a country where his life or freedom would be in danger. In that connection, 318 applications for territorial asylum had been granted between December 1998 and December 1999.

22. In reply to questions by Mr. Diaconu, she said that the acceptance rate for asylum applications at borders was high: of 4,817 applicants in 1999, 4,209 had been authorized to enter the territory and only 608 had been turned back, pursuant to the Order of 2 November 1945 and the Decree of 20 May 1982, which stipulated that the Ministry of the Interior could not reject such applications unless they were manifestly unfounded pursuant to the Convention relating to the Status of Refugees.

23. In that connection, 20 days was the maximum period during which a person could be held in a waiting area. Although the first four days required only an administrative decision, an eight-day extension, renewable for a further eight days, required a special judicial decision. In any event, extensions of the waiting period were related to the increase in applications, which overburdened the bodies examining applications and led to unsatisfactory conditions of accommodation. However, the Government intended to build an adequate reception centre in 2001, pending which temporary measures would be taken to improve conditions in the existing centres.

24. Regarding guarantees for persons held in waiting areas, six associations and UNHCR had access to waiting areas to check on refugees' situation during the asylum procedure, and conditions of access for associations had been made more flexible by a decree adopted in June 1998.

25. Concerning the rights of aliens, Mr. Banton had expressed concern at the penalties prescribed for persons who helped aliens reside in French territory illegally. The provisions in question had become inapplicable since the adoption of the Act of 11 May 1998, which exonerated relatives, spouses, ascendants, descendants and cohabitees who assisted aliens in an irregular situation. If penalties did prove necessary they were ordered by a judge who examined each case individually.

26. Replying to criticism over the dilapidated facilities used to hold aliens at the point of departure, she said that considerable progress had been achieved, in particular in Paris, under a programme for the renovation of holding centres begun in 1999, which had led to significant improvements in living conditions in the centres. In addition, a decree on the organization of the centres and a set of model regulations were under preparation. Finally, each holding centre signed an agreement with a local hospital for the prompt provision of medical care if needed.

27. Concerning the 62,000 "clandestins officiels" without legal status referred to by Mr. Nobel, on the one hand those figures were unverifiable by definition, and on the other they undoubtedly included illegal aliens who had applied unsuccessfully for an exceptional legalization of their situation under the circular of 24 June 1997. Under that procedure, designed to legalize the situation of long-time residents or persons with family attachments in France, 140,000 applications had been considered, of which 69,549, or 56 per cent, had been accepted. Finally, although the Government had pledged not to use information provided in the applications against aliens in an irregular situation, those whose applications had been rejected had to leave French territory or risk deportation if stopped by the police for any reason.

28. Under the Act of 11 May 1998, 28,904 residence permits had been issued. The Act reflected the Government's desire to be more accepting of foreigners, whose presence was an asset to the country, and acknowledged their right to live in France on a long-term basis when they had close personal and family ties in the country. The Act made it possible to give more consideration to the situation of persons whose lives and freedom were under threat in their own countries.

29. Mr. Banton had expressed concern at the conditions of foreigners in custody, in particular those of North African origin. On 24 June 1997 the Ministry of the Interior had reminded the police of the urgent need to respect the ethical principles of their job fully, in order to avoid any discrimination. Her delegation did not have information about the cases in Trappes and Versailles which had been mentioned. However, the Salmouni case was indeed particularly serious, as it had involved a violation of the fundamental right to human dignity. The authorities had accordingly conducted an inquiry and punished the police officers responsible. The court had noted that their behaviour had been unjustifiable and sentenced them to 18 months in prison. The convicted officers had lodged an appeal with the Court of Cassation.

30. Concerning police operations which had led to actual riots in disadvantaged neighbourhoods, she said that some police behaviour, although intolerable and certainly deserving of punishment, had not been racially motivated but aimed at maintaining public order and restoring legality in lawless areas. All the cases in question had led to judicial proceedings or administrative inquiries and all the offences had been punished. In 1998, 84 sanctions had been ordered against police officers for illegitimate use of force.

31. The Government also focused on prevention in the training of police officers and gendarmes, who received theoretical instruction in police ethics and human rights supplemented by practical exercises. Since early 1999, the Police Training Division had been emphasizing the fostering of dialogue with the people through education of police officers in the social, cultural and religious features of the communities living in the national territory. An ethics guide published in 1999 for use in schools and police stations dealt in practical terms with the daily situation of police officers, and stressed their obligation to respect the principle of non-discrimination in using the power to exercise restraint.

32. Parliament was considering a draft law to establish a national ethics commission for security matters, which would be responsible for the independent monitoring of all services performing security work (police, gendarmerie, customs and private companies) to ensure that they respected ethical principles in performing their jobs. The commission could be addressed by parliamentarians or by any concerned individual who was a victim or a witness of failure to respect such principles; it would have investigatory powers and be able to issue opinions in specific cases or on general issues.

33. The draft law relating to the presumption of innocence contained a provision stipulating that lawyers could meet with their clients from the outset of custody. That reform, eagerly awaited by numerous associations, had also been requested by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

34. Prison personnel were bound fully to respect ethical rules on pain of disciplinary measures which could include dismissal. From 1988 to 1997, 44 such measures had been ordered, as opposed to five in 1998. None of the offences in question (physical abuse, insults) had been racially motivated. Prison staff were given human rights training as a preventive measure. In addition, a draft code of ethics for prison personnel had recently been submitted to the National Consultative Commission on Human Rights.

35. Recruitment into the national police corps took place through a competitive examination open to all French citizens. However, she did not have information on the national and regional origins of police officers. Efforts had been made to ensure increased representation of the different components of French society on the police force. For example, to include more young people from immigrant families and those living in neighbourhoods considered to be difficult, six high schools (lycées) linked to police schools had taken a preparatory class in 2000 for the police school entrance examination.

36. Regarding identity checks, she said that, whatever their legal basis (verification of residence permit, judicial or preventive supervision), identity checks were always conducted according to objective criteria and were carefully monitored by the authorities. However, she would send the Committee written information on that subject at a later date.

37. Mr. CAPIN DULHOSTE (France), referring to the implementation of the legal machinery for combating discrimination, said that a distinction should be made between the period before and after referral to the court. The difficulty in applying criminal legislation was due more to victims' reluctance to bring charges than to the treatment given to complaints once they were lodged. Efforts in the last few years had focused on overcoming victims' reluctance by encouraging the public services to reach out to them, through the courts and legal centres, which provided victims with guidance, information, advisory assistance and material aid, such as the letter-writing services. There were also mediation measures, which made it possible to settle minor disputes, such as conflicts between neighbours, between individuals under the supervision of an association or person authorized by the prosecutor; such measures were found to produce satisfactory results.

38. Mention should also be made of the Departmental Commissions for Access to Citizenship (CODAC), headed by the prefect and Public Prosecutor, and comprising representatives of Government and associations who dealt with various types of complaints. Of the total number of complaints, 40 per cent related to discrimination in employment, 15 to problems encountered in contacts with the administration and 15 to discrimination in leisure activities, the most obvious example being incidents where foreigners or French people of foreign origin were refused entry to discotheques. The CODACs also dealt with cases involving racist flyers, insults or physical attacks. Such complaints led either to judicial proceedings, if CODAC transmitted the complaint to the Public Prosecutor, an administrative inquiry or a mediation procedure, mainly in cases where the offence would be difficult to prove from a criminal standpoint.

39. In that connection, he cited legal decisions in which victims of discrimination had received compensation: a discotheque owner who had refused entry to five youths had been sentenced to a fine and damages; a landlord who had refused to let an apartment to a Frenchman of North African origin had been sentenced to compensate not only the individual concerned and his wife, but each of three anti-racism associations which had joined the proceedings as civil claimants. Mention should also be made of a decision by the Victims' Compensation Commission concerning the payment of FF 250,000 to the widow of a Moroccan national killed by skinheads in connection with a demonstration by Front National supporters.

40. As Mr. Banton had said, criminal law was not the only means of combating racial discrimination. Labour law also offered victims redress. Under French law, all disputes between employers and employees were heard by the labour courts. In cases of refusal to hire, disciplinary sanction or dismissal related to discrimination based on race, sex, lifestyle or trade-union or political activities, the burden of proof was shared between the victim and the person complained against. Sharing of the burden of proof was soon to become the operative principle in all areas of labour, with the imminent adoption of a draft law extending it to include refresher training and internal advancement.

41. Regarding disputes between individuals and the administration, he stressed the important role played by the administrative courts, which could declare illegal certain decisions of the administration, such as refusal to register foreign children in the State schools or prohibiting foreign teachers from voting or being elected to their establishment's school board.

42. Double penalties, or criminal convictions plus deportation, were not handed down without due consideration for the severity of the offences and the personality of the individuals in question, their cultural and linguistic ties with France or their country of origin and their family situation.

43. In reply to a request for further information by Mr. Aboul-Nasr and Mr. Diaconu, he said that French law made a distinction between justification of crimes against humanity, which was understood as justification of all crimes against humanity with no restriction in time, and questioning the existence of crimes against humanity, which applied only to crimes committed during the Second World War. It had been deemed necessary in 1990 to adopt an article of a law to combat the newly-emerging revisionist trend, which should not be given the benefit of freedom of expression. In any event, French law punished the crime itself, whether it involved deportation, forced sterilization or genocide, with no restriction in time.

44. Regarding penalties against owners of public establishments who refused access to certain persons for discriminatory reasons, he said that licences could be revoked and establishments closed by way of complementary penalties.

45. Mr. WILKINSON (France) said that several Committee members had asked for clarification of the concept of exclusion, with which they were not familiar. The concept had to do with the problem of cultural transition and the meeting between population groups of French and foreign origin. Action to combat exclusion was aimed at making relations between the two commonplace, or, to use a United Nations and European expression, at "mainstreaming", and at integrating the individual into the national community. It derived from the principle of republican equality, according to which all citizens must have access to the same culture and be given the same tools to cope with life's difficulties. Being initiated into French culture, however, did not imply that they gave up their culture of origin, but that they acquired the culture of the host country, which in turn claimed the new arrivals as its own. Action to combat exclusion was aimed at avoiding the emergence of mutually-rejecting subcultures which caused tensions among groups or created parallel economies. It was therefore important for the transition between the first and second generation of immigrants to take place harmoniously. However, the second generation faced considerable difficulties: lack of proficiency in either language and a tremendous gap between the culture and symbolic and sociological references of

their parents and those of the world in which they lived, compounded by the rapid decline in parental authority. For all those reasons, all State social work diplomas and training courses had been thoroughly revised in the previous eight years and the profession had been radically transformed over the previous 10 years. Action to combat exclusion was now the most important category in municipal budgets, and the central Government had increased project assistance, provided additional credits, created 125,000 partially subsidized jobs and continued to pay a minimum wage to all individuals, regardless of nationality. In addition, since the 1998 adoption of a law on action to combat exclusion, all individuals regardless of race or nationality received universal sickness insurance.

46. On 10 February 2000 the Ministry of Employment and Solidarity had announced a reform of the labour law to ensure a fairer distribution of the burden of proof and make it easier to lodge remedies in discrimination cases.

47. The Roma, or travellers, needed assistance to enable them to take advantage of the above-mentioned integration measures. There were approximately 230,000 Roma in France, most of whom were of French nationality. One third were nomads, one third intermediate and one third settled; 70 per cent were illiterate and slightly more than half of the children attended school. It was true that parents showed some apprehension with regard to the system of values taught at school. Outreach units had been in existence since 1989 and, in two cities, there were schools intended for children from 6 to 12 years old, located near the travellers' parking areas. They could also follow correspondence courses.

48. Regarding the harkis, under a law adopted in 1994, which had entered into force in 1995, a series of measures costing FF 4 billion had been implemented, consisting of the payment of lump-sum grants, reduction of overindebtedness, improvement of housing and assistance to surviving spouses.

49. Mr. CELLARD (France) said that he wished to provide additional information on the right to housing and action to combat discrimination in housing. The law on the implementation of the right to housing was aimed at providing all persons living in France, whether of French or foreign origin, with housing of an adequate standard for long-term occupancy. It was strengthened by the "housing section" of the law on exclusion, which dealt with subjects as diverse as prevention of evictions, increasing housing supply and action to combat the exploitation of housing-seekers by slum landlords. His delegation could provide the Committee with a number of reports on the subject.

50. Particularly worthy of emphasis was the issue of foreigners' access to low-income housing. A national survey held every four years on the subject showed that, on a constant basis, there were twice as many foreigners as French people occupying low-income housing, which was probably due to the fact that foreigners were less likely to own their dwellings than were ethnic French people. However, with 800,000 low-income housing applications pending, much remained to be done, and, in order to combat abuses and favouritism in the assignment of low-income housing, it was planned, in the framework of the law on exclusions, to assign applications registration numbers with a view to detecting irregularities, in particular undue delays.

51. In more specific areas, Parliament was considering a draft law on the reception and sojourn of the travellers, which created an obligation for communes of more than 5,000 inhabitants to provide travellers with reception and parking areas. Finally, an interministerial commission on housing for immigrants was working on the problem of migrant workers' centres. A five-year plan for improving the centres had been prepared.

52. Ms. COMPAGNIE (France) said she would reply to questions by Mr. Banton and Mr. Diaconu, who had requested additional information about the use of regional and minority languages in the schools and the treatment of immigrant communities in the media.

53. In addition to the information contained in paragraphs 213 et seq. of the report (CERD/C/337/Add.5) on instruction in the mother tongue under the heading of compulsory modern-language programmes, courses in Basque, Breton, Picard and other regional languages were offered as an option at the pre-school, primary, secondary and university levels, together with compulsory instruction in French.

54. The Government paid close attention to the maintenance of original languages in the overseas territories and had delegated some authority in that area to the local authorities. Instruction in the Polynesian language was part of the normal school curriculum in French Polynesia, and 15 Kanak languages were officially recognized in New Caledonia. The Government also endeavoured to promote Creole languages in the overseas departments and territories.

55. Concerning the treatment of immigrants in the media, the public radio and television stations broadcast a number of programmes intended more specifically for immigrant communities, in an effort to help them integrate. For example, a series, "Parlez-moi", was intended to help immigrant women learn French and become more familiar with everyday life in France. Every weekend, RFO programmes were rebroadcast on television. Programmes such as "Sagacité" and "Télécité" targeted young immigrants in the suburbs. Regarding cinema, an attempt was made to feature young film makers of African or North African origin by providing them with financial assistance and organizing film festivals for them.

56. The CHAIRMAN asked whether the members wished to put more questions to the delegation of France or make any other comments, before the Country Rapporteur took the floor.

57. Mr. ABOUL-NASR, while acknowledging the goodwill shown by the delegation of France, said that he was not fully satisfied with the replies. There was not sufficient time to reopen the discussion, but he strongly urged the Government to take into account the remarks made at the preceding meeting and to endeavour to guarantee equal treatment to everyone, whether victims of the Second World War - who were not limited to victims of the Holocaust - or victims of slavery. He hoped that more determined efforts in that area would be reflected in the next report.

58. Ms. JANUARY-BARDILL said that she would like to make three brief comments.

59. First, although it was important to provide officials and administrative personnel with appropriate training in order to raise their awareness of the need to combat discrimination, such efforts were not sufficient. It was also necessary to ascertain whether the persons concerned had in fact changed their attitudes. The delegation had not clearly indicated who was responsible for assessing results.

60. Experience showed that integration efforts were often conducted with an underlying feeling of superiority on the part of the host country. Much tact and discernment was necessary to avoid such efforts resulting in alienation and loss of identity on the part of the "integrated" groups.

61. Finally, a good way of resolving the problem of inequality in employment might be to set numerical objectives, in terms of the demographic importance of the different population groups. That system had yielded positive results in other countries.

62. Mr. SHAHI asked for clarification concerning convictions of police officers who used excessive force. Were the penalties proportional to the gravity of the acts committed?

63. Mr. de BAYNAST (France) said he understood why Mr. Aboul-Nasr had not found the replies fully satisfactory, but would like again to emphasize the hopes raised by the prospect of an international system of justice, which would offer a genuine system of prevention and punishment to combat racist and xenophobic crimes and crimes against humanity, and would no doubt be more effective than national legislation, which was affected by prevailing attitudes at a given time and in a given context.

64. Replying to Ms. January-Bardill, he said that officials and administrative personnel who committed abuses were liable to disciplinary measures. Their theoretical and practical training emphasized ethical concerns, which had an influence on their grading. He fully shared Ms. January-Bardill's opinion concerning the risks of an over-hasty integration process. The French authorities were fully aware of the fact that the cultural diversity of the immigrant population groups was an asset for the country. Throughout France the minarets of mosques could be seen standing next to church steeples. Far from opposing the manifestations of different cultures, the Government did not hesitate to invest in order to help them endure.

65. In reply to Mr. Shahi, he confirmed that penalties ordered against police officers who committed abuses were proportional to the gravity of the acts in question. Such penalties could include imprisonment and dismissal.

66. Mr. BANTON (Country Rapporteur) said he was pleased to see that France found the Committee's comments and "critical view" to be helpful. Governments often had no knowledge of some very interesting experiments conducted right next door, and there was no doubt that dialogue with the Committee offered them a way of remaining open to different points of view and new concepts. However, if the exercise was to be constructive, the new awareness had to be followed by practical effects. The Committee took great care in drafting its conclusions and recommendations to countries, and it would appreciate countries giving them the attention they

deserved and furnishing information on the efforts they had made to give effect to them. In its 1994 report, the Committee had recommended that France should recruit more people of different ethnic origins among those responsible for the implementation of human rights legislation. Even though improvements had been made in that area, there was no indication whether they had been the result of the Committee's remarks. He hoped that France would endeavour in its next report to provide clarifications of that kind, which gave the Committee an indication of the effectiveness of its work.

67. The CHAIRMAN endorsed Mr. Banton's remarks. He had no doubt that France would take account of those remarks in its next report, which, he noted, was due in the fairly near future.

68. The delegation of France withdrew.

The meeting rose at 1.05 p.m.